

Appl. No. 10/501169
Amendment and/or Response
Reply to Office action of 23 August 2005

Page 7 of 9

REMARKS / DISCUSSION OF ISSUES

Claims 1-20 are pending in the application. Claims 11-20 are newly added.

The applicants thank the Examiner for acknowledging the claim for priority and receipt of certified copies of all the priority document(s).

Claims are amended for non-statutory reasons: to correct one or more informalities, remove figure label number(s), and/or to replace European-style claim phraseology with American-style claim language.

The Office action objects to the abstract. A replacement abstract is included herein.

The applicants thank the Examiner for providing information about recommended section headings. However, the applicants respectfully decline to add the headings. Section headings are not statutorily required for filing a non-provisional patent application under 35 USC 111(a), but are only guidelines that are suggested for applicant's use. (See Miscellaneous Changes in Patent Practice, Response to comments 17 and 18 (Official Gazette, August 13, 1996) [Docket No: 950620162-6014-02] RIN 0651-AA75 ("Section 1.77 is permissive rather than mandatory. ... [T]he Office will not require any application to comply with the format set forth in 1.77").

The Office action rejects claims 1-9 under 35 U.S.C. 102(e) over Ma et al. (USP 6,677,709, hereinafter Ma). The applicants respectfully traverse this rejection.

Claim 1, upon which claims 2-10 depend, claims a display device that includes a first and a second set of electrodes, a plurality of light-emitting elements in electrical contact with the first set of electrodes, and an electromechanically operable foil having at least one electrically conducting side that is substantially unpatterned, and arranged to place the conducting side in contact with selected ones of the light-emitting elements.

Ma does not teach an unpatterned foil that makes contact with select light-emitting elements. Each of Ma's examples in FIGs. 1, 2, 3 clearly illustrate patterned

Appl. No. 10/501169
Amendment and/or Response
Reply to Office action of 23 August 2005

Page 8 of 9

notches in the foil layer 170-180-190, and FIGs. 4-7 are specifically provided to illustrate example patterns.

Ma relies upon a voltage potential between the upper electrode 170 and the lower electrode 120 to effect a movement of the upper electrode 170 toward the lower electrode 120. The pattern at each of Ma's pixels create the cantilevered actuating member 180 to facilitate the movement of the upper electrode 170 toward the lower electrode.

Further, Ma teaches that the conducting layer 190 on the under-side of the actuating member 180 acts as the data electrode. Referring to FIG. 9, Ma states: "Column address lines D1-D4 are coupled to the conductive layer 190 of each pixel" (column 7, lines 18-19). As such, Ma's conductive layer 190 must be patterned to form column electrodes.

The applicants respectfully maintain that the electrical operation of Ma's device requires a patterned conductive layer, and mechanical operation of Ma's device is dependent upon the use of a cantilever-forming pattern.

Because Ma fails to teach a foil with an unpatterned conductive side, and because Ma's design requires a patterned conductive side, the applicants respectfully request the Examiner's reconsideration of the rejection of claims 1-9 under 35 U.S.C. 102(e) over Ma.

The Office action rejects claim 10 under 35 U.S.C. 103(a) over Ma and Yap et al. (USP 6,037,719, hereinafter Yap). The applicants respectfully traverse this rejection, based on the remarks above regarding claim 1, upon which claim 10 depends.

Both Ma and Yap teach the use of cantilevered actuating elements, based on a cantilever-forming pattern, and both Ma and Yap teach the use of a patterned conductive layer corresponding to each cantilever.

Because both Ma and Yap fail to teach a foil with an unpatterned conductive side, and because both Ma and Yap's designs require a patterned conductive side, the applicants respectfully request the Examiner's reconsideration of the rejection of claim 10 under 35 U.S.C. 103(a) over Ma and Yap.

Appl. No. 10/501169
Amendment and/or Response
Reply to Office action of 23 August 2005

Page 9 of 9


In the interest of advancing prosecution in this case, the following comments are provided regarding newly added claims 11-20 in view of Ma and Yap.

Claim 11, upon which claims 12-20 depend, claims a foil that includes an electrically conductive layer that is configured to provide selective contact to select light-emitting elements based on a potential difference between the foil and select electrodes of a plurality of electrodes.

Both Ma and Yap teach the movement of cantilevered elements based on the potential difference between the upper and lower electrodes. Further, both Ma and Yap teach that the upper electrode and the conductive layer of the foil are mechanically affixed to opposite sides of the cantilever, and thus a potential difference between these conductors cannot effect a movement of the cantilever.

In view of the foregoing, the applicants respectfully request that the Examiner withdraw the objection(s) and/or rejection(s) of record, allow all the pending claims, and find the application in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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